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TAGS: [PREF](#) [PREL](#) [UNHCR](#) [KPAL](#) [EG](#) [SU](#) [IS](#)
SUBJECT: MFA WORRIES ABOUT AFRICAN IN-FLOWS

REF: TEL AVIV 2744

Classified By: Charge Luis G. Moreno for reasons 1.4 (b,d).

¶1. (C) Summary. MFA Director for International Organizations and Human Rights Simona Halperin expressed continued concern to Regional Refugee Coordinator (RefCoord) and Embassy PolOff September 25 over the problem of sur place refugees from Sudan and other "enemy states" of Israel entering on foot from Egypt; these persons are considered sur place refugees even if they would not otherwise be considered refugees in Egypt. Halperin said that, despite an agreement between PM Olmert and President Mubarak in June 2007, the Government of Egypt (GOE) is not fulfilling its part of the bilateral arrangement to allow Israel to return African migrants or asylum-seekers to Egypt. Although the GOI would like to give the bilateral arrangement a chance to succeed, if it fails, the GOI might consider joining tripartite discussions with UNHCR and the GOE, but preferably with U.S. involvement. On the 33 Palestinians from Iraq who are seeking reunification with immediate relatives in the West Bank, Halperin noted that the Prime Minister's office continued to process the necessary security clearances. End Summary.

Problem of Sur Place Refugees

¶2. (C) Simona Halperin, MFA Director for International Organizations and Human Rights, and Michal Sarig from the Office of the Legal Advisor, detailed to RefCoord and PolOff the difficulties the GOI faces with a potentially unlimited number of Sudanese and other African asylum-seekers or economic migrants who are considered sur place refugees as soon as they step foot on Israeli soil based on their country of origin as an enemy state of Israel. These individuals would not necessarily be considered refugees in Egypt, Halperin added. (Note: UNHCR reports that ninety-percent of asylum-seekers are entering Israel via the Israel-Egypt land border. End Note.)

¶3. (C) Halperin stated that, rather than constructing a wall to prevent entry to migrants or asylum-seekers, PM Olmert had sought and obtained an agreement from Egyptian President Mubarak in June 2007 that allows the GOI to return Africans who had crossed the border illegally. (Embassy Cairo reports that Egyptian officials dispute that any such agreement was reached.) Halperin said that the agreement also upholds the principle of non-refoulement to the individual's country of origin, she added. Unfortunately, Halperin said, the GOE is not living-up to its half of the bargain despite nightly IDF attempts at the military-to-military level to return African migrants or asylum-seekers to Egypt. Sarig noted that IDF soldiers at the border are being trained to assess an individual's "subjective fear" of return to Egypt. Based on

that assessment, the soldier has the authority to turn-back an illegal migrant or asylum-seeker, she added.

14. (C) Halperin averred that Israel would like to give the GOE - GOI arrangement an opportunity to succeed; the GOI is sensitive to the Egyptian,s interest in keeping its agreements and discussions with the Israelis out of the public eye, she added. The return of 48 Africans to Egypt in August, she said, had the positive impact of stemming the flow of illegal border crossings in the Sinai, which had reached a peak of between 400 and 500 per month. Sarig interjected that the GoI is equipped to process perhaps 1,500 asylum-seekers per year, but more would create significant difficulties both politically and logistically. If the GOE - GOI arrangement does not work, Halperin continued, Israel might be interested in a tripartite discussion and agreement with the GOE and UNHCR. She inferred that the GOI is not convinced that UNHCR/Egypt would faithfully and transparently monitor a tripartite agreement and would, therefore, prefer to have U.S. participation as well.

15. (C) According to Sarig, Israel,s High Court heard a case September 24 filed by a group of non-government organizations seeking a warrant to prevent future "hot returns" to Egypt without due process. She assessed that the GOI convinced the court that the due process criteria set forth by the NGOs would be impossible to meet. (Sarig also noted that Israeli law prohibits the GoI from deporting illegal migrants without the individual,s consent.) The High Court was sympathetic, she averred, granting the GOI 45 days to submit an outlined plan on how to address African migrants and asylum-seekers. An inter-ministerial committee would be established soon to respond to the court,s request.

Family Reunification of Palestinians from Iraq

16. (C) RefCoord asked whether there was any progress on GOI clearances for the 33 Palestinians from Iraq that the MFA had conditionally approved for family reunification to the West Bank. Halperin replied that the Prime Minister,s office continues to process the clearances and that she suspects the delay is because this group resides outside West Bank/Gaza. She agreed to pass along any new information on this issue.

Comment

17. (C) The GOI is clearly worried about preventing continued and uncontrolled inflows of African migrants and asylum-seekers while also meeting their international humanitarian obligations regarding refugees. Allowing IDF soldiers to evaluate a potential asylum-seeker based on "subjective fear" at the border is not the best solution, however, and underscores the need for a transparent bilateral or trilateral arrangement with the Egyptians. While the GOI may be willing to allow UNHCR to broker such an arrangement, the Israelis clearly prefer to have substantive U.S. participation. End Comment.

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